

MARCUS SHARIF MCNEAL,
Petitioner

v.

BRIAN E. WILLIAMS, et al.,
Respondents

Order

McNeal also indicates that, despite filing a motion to amend his petition,² he does not want to amend his petition. Rather, he wants to supplement it, adding the claims in the proposed amended petition to the original petition.³ Accordingly, I construe the motion to amend⁴ as a motion to supplement. Respondents no longer need to file a supplement to their response to the

⁴ ECF No. 39

1 motion to amend as previously directed and may instead simply respond to the motion to
2 supplement⁵ by December 21, 2018.

3 Accordingly, IT IS ORDERED that McNeal's request to make an untimely election is
4 GRANTED, and his request to dismiss the unexhausted claims from this action is also
5 GRANTED. As discussed more specifically in my order of August 27, 2018, **the following**
6 **claims are therefore DISMISSED WITHOUT PREJUDICE as unexhausted: (1) Ground 2,**
7 **in part; (2) Ground 4; (3) Ground 5; (4) Ground 6; (5) Ground 7, in part; (6) Ground 8, in**
8 **part; (7) Ground 9, in part; (8) Ground 10, in part; (9) Ground 11, in part; (10) Ground 12,**
9 **in part; (11) Ground 13, in part; (12) Ground 15, in part; (13) Ground 16; (14) Ground 17;**
10 **(15) Ground 18, in part; (16) Ground 19; (17) Ground 21; and (18) Ground 22.**

11 IT IS FURTHER ORDERED that McNeal's motion to amend [ECF No. 39] is
12 construed as a motion to supplement, and respondents have until December 21, 2018, to
13 respond in a single document to McNeal's requests to supplement his petition [ECF Nos. 39
14 & 44].

15 Dated: December 2, 2018

16
17
18
19
20
21
22
23
24
25
26
27
28


U.S. District Judge Jennifer A. Dorsey

⁵ ECF Nos. 39 & 44